

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

KENNETH ADERHOLT et al.,

Plaintiffs,

v.

Civ. No. 7:15-CV-000162-O

BUREAU OF LAND MANAGEMENT  
et al.,

Defendants.

**STIPULATION AND SETTLEMENT OF PLAINTIFFS'**  
**MOTION FOR ATTORNEYS' FEES, EXPENSES AND COSTS**

Plaintiffs Kenneth Aderholt, William Lalk, Kenneth Patton, Barbara Patton, Jimmy Smith, Kevin Hunter, ("Plaintiffs"), and defendants Bureau of Land Management, *et al.*, ("Defendants") (collectively "the Parties"), through their undersigned attorneys, hereby stipulate and agree as follows:

1. Plaintiffs have submitted a motion for attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. 2412. *See* Plaintiffs' Motion for Attorneys' Fees and Costs under Equal Access to Justice Act ("EAJA") ("Fee Motion") (ECF No. 287).

2. For purposes of settlement only and without conceding liability for attorneys' fees, expenses, and costs, Defendants agree to pay Plaintiffs a total of \$200,702.89 in full and complete satisfaction of Plaintiffs' Equal Access to Justice Act claims and any and all potential claims that Plaintiff may have for attorneys' fees, expenses, and costs associated with this case.

3. The payment described in paragraph 2 shall be accomplished by electronic funds transfer to the following Plaintiffs ("Payment Recipients") in the following amounts ("Payment Amounts"): (1) \$43,604.60 for Plaintiff, Kenneth Aderholt; (2) \$23,830.36 for Plaintiff, William Lalk; (3) \$43,221.29 jointly and severally for Plaintiffs, Kenneth Patton and Barbara Patton; (4) \$44,320.21 for Plaintiff, Jimmy Smith; and (5) \$45,726.43 for Plaintiff, Kevin Hunter. The United States may offset the Payment Amounts to account for any delinquent debts owed by the Payment Recipients to the United States pursuant to 31 U.S.C. §§ 3711, 3716. Within twenty days of execution of this agreement, Plaintiffs' counsel shall provide to Defendants the social security numbers for each Payment Recipient, and the information necessary to accomplish the electronic funds transfer, including bank account number and routing information, and the name and address

associated with the account.

4. Plaintiffs and Plaintiffs' counsel agree to hold Defendants and the United States harmless in any litigation, further suit, or claim arising from the authorized transfer of the payments described in paragraph 3.

5. Plaintiffs agree that the receipt of the Payment Amounts described in paragraph 3 shall operate as a waiver and release by all parties to this agreement of any and all claims for attorneys' fees, expenses, and costs associated with this case.

6. This settlement is entered into solely for purposes of settling Plaintiff's Fee Motion and does not represent an admission by any party of any claim or defense in relation to the Fee Motion for this case. Further, this settlement agreement has no precedential value. It shall not bind any party in any future proceeding of any kind, whether judicial or administrative in nature, and shall not be cited as evidence or referred to in any proceeding, except as necessary to effect the terms of this agreement.

7. No provision of this agreement shall be interpreted as or constitute a commitment or requirement that Defendants obligate or pay funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable appropriations law.

8. This stipulation represents the entirety of the agreement between Plaintiffs and Defendants with regard to the settlement of Plaintiffs' claims for attorneys' fees, expenses, and costs.

9. The undersigned representatives of each Party certify that they are fully authorized by the respective Parties they represent to enter into the terms and conditions of this agreement and to legally bind the parties to the agreement.

10. The terms of this agreement shall become effective upon the Court's approval of this stipulation.

IT IS SO STIPULATED AND AGREED.

Respectfully submitted on \_\_\_\_\_, 2018.

on behalf of Plaintiffs:



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on behalf of Defendants:

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